

AMY WALKER,)
)
Plaintiff,)
)
vs.)
) Case No. CIV-16-703-D
NANCY A. BERRYHILL, Acting)
Commissioner of Social Security)
Administration,)
)
Defendant.)

Before the Court is Plaintiff’s Stipulated Motion for Award of Attorney’s Fees Pursuant to the Equal Access to Justice Act [Doc. No. 18]. Plaintiff seeks to recover attorney fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412, as the prevailing party in this action under 42 U.S.C. § 405(g).

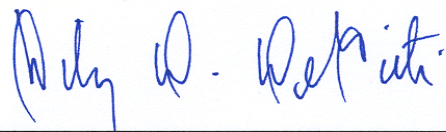
Plaintiff represents that the parties, through counsel, have stipulated to an award to Plaintiff of \$5,000.00 pursuant to EAJA, on the following conditions: Payment of this amount shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA attorney's fees in connection with this action. This award shall not be used as precedent in any future cases, nor be construed as a concession by the Commissioner that the original administrative decision denying benefits to Plaintiff was not substantially justified. The EAJA award is without prejudice to any right of Plaintiff's

attorney to seek attorney's fees pursuant to Social Security Act § 206(b), 42 U.S.C. § 406(b), if appropriate, subject to the offset provisions of EAJA. See 28 U.S.C. § 2412(c)(1). Under *Astrue v. Ratliff*, 560 U.S. 586 (2010), the award of EAJA fees must be made payable to Plaintiff as the prevailing party.

Upon consideration of the representations in the Motion and the case record, the Court finds that \$5,000.00 represents a reasonable amount of attorney fees to be awarded pursuant to EAJA.

IT IS THEREFORE ORDERED that Plaintiff's Motion is GRANTED, subject to the stipulations of the parties. The Court orders an award of attorney fees to Plaintiff pursuant to the Equal Access to Justice Act in the amount of \$5,000.00. Should an additional fee award under 42 U.S.C. § 406(b) subsequently be authorized, Plaintiff's attorney shall refund the smaller amount to Plaintiff as required by *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 5th day of June, 2017.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE